



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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By ECF and UPS Delivery

The Honorable Gary R. Brown
United States Magistrate Judge
Eastern District of New York
Long Island Courthouse, 100 Federal Plaza
Central Islip, N.Y. 11722

Re: SEC v. Barton, et al., 17-CV-403 (JS) (GRB) (E.D.N.Y.)

Dear Judge Brown:

Plaintiff Securities and Exchange Commission (the "SEC") respectfully submits this status report, and request for status conference, regarding *pro se* defendant Justin Sindelman.¹

The SEC filed this action on January 25, 2017. Sindelman's Answer was docketed on February 24, 2017. At that time, Sindelman was incarcerated at the Nassau County Correctional Center on unrelated criminal charges, *People v. Sindelman*, Case No. 01494N-2016 (N.Y. Crim. Ct.). On June 13, 2017, at Sindelman's request, this Court stayed this case until September 30, 2017. On September 19, 2017, Sindelman was found guilty in his criminal case on several felony counts. Sindelman currently is incarcerated and is awaiting sentencing for those convictions. His next sentencing hearing date is April 13, 2018.

Due to his incarceration, the SEC has had difficulty communicating with Sindelman regarding this case. Recently, we contacted Sindelman by letter to attempt settlement discussions. However, we received no response from Sindelman. For these reasons, the SEC respectfully requests that the Court schedule a status conference to determine how best to proceed with this litigation.

Respectfully submitted,

/s/

Jack Kaufman
Senior Trial Counsel

cc: Justin Sindelman (by first class mail)

¹ On February 2, 2017, the Court entered settled Final Judgments as to the four other defendants in this case. The Commission may continue to pursue post-judgment remedies against those settled defendants.